

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTONROBERT JAMES STEWART,
WES MARTINSON, *et al.*,

Plaintiffs,

v.

CHELAN COUNTY DISTRICT
COURT, *et al.*,

Defendants.

NO. CV-05-256-RHW

**ORDER DIRECTING CLERK OF
COURT TO FILE SECOND
AMENDED COMPLAINT, *INTER
ALIA***

Before the Court is Plaintiff's Motion for Extension of Time to File (Ct. Rec. 110) and Defendants' Motions to Dismiss (Ct. Rec. 89, 93, 97, 102). The motions were heard without oral argument and without opposition.

On November 21, 2005, the Court entered an Order granting the Defendants' Motions for More Definitive Statement and granting Plaintiffs thirty (30) days to file a Second Amended Complaint (Ct. Rec. 84). On December 12, 2005, Plaintiffs asked the Court for an extension of time to file the Second Amended Complaint. On January 17, 2006, the Court granted Plaintiffs' request for an extension of time to file a Second Amended Complaint (Ct. Rec. 107). On March 16, 2006, Plaintiff Robert James Stewart was sent a Deficiency Notice from the U.S. District Court Clerk's Office notifying him of deficiencies in the pleadings that he was attempting to file. Specifically, the Clerk's Office notified Mr. Stewart that there was no signature on the Second Amended Complaint, there was no signature on the Certificate of Service, the Certificate of Service was inaccurate as

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COMPLAINT, *INTER ALIA* ~ 1**

1 it states that Mr. Stewart served the parties via CM/ECF when he did not file
2 documents electronically, and it did not indicate how the other parties were served.
3 The Clerk's Office did not file the Second Amended Complaint. On March 20,
4 2006, Mr. Stewart filed a Motion for Extension for Plaintiff to Sign Pleadings of
5 2nd Class Action Amended Complaint (Ct. Rec. 110). On April 12, 2006, a
6 Declaration of Mailing was filed by the Plaintiffs. Attached to the Declaration was
7 a Second Amended Complaint that was signed by the Plaintiffs.

8 Accordingly, **IT IS HEREBY ORDERED:**

- 9 1. Plaintiffs' Motion for Extension of Time to File (Ct. Rec. 110) is
10 **STRICKEN** for failure to comply with Fed. R. Civ. P. 11.
11 2. Defendants' Motions to Dismiss (Ct. Rec. 89, 93, 97, 102) are **DENIED**.
12 3. Defendants' Motion to Expedite Proposed Order Expediting Hearing on
13 Motion to Dismiss (Ct. Rec. 96) is **GRANTED**.
14 4. Defendant's Motion of Joinder (Ct. Rec. 108) is **GRANTED**.
15 5. Plaintiffs' Motions for Discovery (Ct. Rec. 11, 12) are **DENIED**, as set
16 forth in Ct. Rec. 107.
17 6. Plaintiff's Motion for Preliminary Injunction (Ct. Rec. 31) is **DENIED**,
18 as set forth in Ct. Rec. 107.
19 7. The District Court Executive is directed to file the Second Amended
20 Complaint attached to the Declaration of Mailing (Ct. Rec. 112) as a separate
21 document.

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28 **ORDER DIRECTING CLERK OF COURT TO FILE SECOND AMENDED COMPLAINT, *INTER ALIA* ~ 2**

1 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
2 Order and forward copies to counsel and Plaintiffs.

3 **DATED** this 17th day of April, 2006.

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5 *s/ Robert H. Whaley*

6 ROBERT H. WHALEY
7 Chief United States District Judge
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